

Approved

# **TOWN OF WESTFORD**

## **BOARD OF SELECTMEN**

### **MINUTES**

**DATE:** September 24, 2002

**TIME:** 7:30 P.M.

**PLACE:** J.V. Fletcher Library

**PRESENT:** Dini Healy-Coffin, Chris Romeo, Robert McCusker,  
Robert Jefferies, Allan Loiselle

#### **Open Forum**

There was no input from the Board or the audience.

#### **Meeting with Town Moderator regarding Creation of Town Positions**

Ellen Harde, 39 Main Street; Kathleen Smith, Personnel Advisory Committee; and Chris Liebke, Human Resources Director, were present to address difficulties surrounding a recent hire prior to the position being accepted by Town Meeting on the pay classification plan. Healy-Coffin summarized a letter from Harde dated July 24, 2002 regarding the pay classification plan, how new jobs are created, salary ranges and the role of town meeting. Smith made a presentation regarding the following items: Town Government is in transition; We are in the very early stages of building a Human Resource Department; Westford is evolving from a small farming community to a larger more diverse community within a more complex society; and Administrative control has its limits. Smith stated that Town Meeting cannot "vote" to move a position to a different pay band. Such a vote would constitute an arbitrary determination of salary range and violate the integrity of the Pay Classification Plan. Smith and the Board discussed the action regarding the position of Parks & Recreation at the Annual Town Meeting in May. Smith felt that residents' opinions must be received prior to Town Meeting during the process and development phase. Smith felt that cross presentations also need to be made to other committees and boards. Smith stated that there is nothing in writing regarding the process of personnel management and Town Meeting action. Smith asked the Board to consider setting up a task force to address the concept of cross communication and cross presentations in order to put information before the voters in a timely fashion. Loiselle suggested that the Board try to get leaders from the voluntary committees to brainstorm for ideas and look at those needs. Healy-Coffin suggested holding an all boards meeting to discuss the idea of a task force. Healy-Coffin

stated that Liebke will be working closely with Smith to make sure the policies and procedures are documented. Ledoux reported that he will be reactivating the Personnel Advisory Committee and will be looking for volunteers to serve on that committee to look at job descriptions, pay bands, etc. McCusker felt that the question was whether anyone had the authority to exceed what Town Meeting has authorized in a pay classification. It was moved by McCusker, seconded by Loiselle for discussion, that there is no authority that can exceed Town Meeting on pay classifications. Loiselle reiterated Harde's opinion that what Town Meeting decides upon, we have to live with. Smith felt that when Town Meeting votes on the maximum of a pay band, that maximum cannot be changed. Smith stated that she would like to see the issues come back to Town Meeting so that the Town can understand the implications of their vote relative to the pay classification. Romeo was concerned with the possibility of changing the terms of an employment contract. Ledoux referenced an opinion provided by Town Counsel several months ago which opined that in certain circumstances stipends could be paid outside of the pay band and that the letter of hire was an employment contract. Ledoux agreed that the matter should go back to Town Meeting. Smith encouraged the Board to admit the error, recognize that this will not happen again, and go back to Town Meeting with a modified job description and freeze the salary. Harde suggested letting the voters know as soon as possible that this will be on the Special Town Meeting warrant. McCusker amended his motion that in the future all compensation will be in accordance with the pay bands approved by Town Meeting. Healy-Coffin asked to put the task force together first for more input. Jefferies was opposed to the motion as he felt it was more in the line of a charter amendment. Jefferies stated that Town Counsel's opinion was that the pay band was never exceeded, it was done by stipend. Jefferies stated that the Board does not have the power to amend the Charter, only Town Meeting it has that power. McCusker disagreed with Jefferies and stated that this is setting policy based on the guidance of Town Meeting regarding setting salary. Jefferies agreed that there was a conflict in the Charter regarding setting compensation but to make it clearer would require a Charter Amendment. McCusker pointed out that Town Counsel was not aware of the compensation reserve when he gave his opinion. Romeo stated that he did not disagree with McCusker's motion, but he wanted to wait for more input for a clear, cohesive policy. McCusker withdrew his amendment. VOTE on McCusker's original motion: 1 IN FAVOR (McCusker); 3 OPPOSED (Healy-Coffin, Jefferies, Loiselle); and 1 ABSTAINING (Romeo). The motion failed. It was moved by Loiselle, seconded by Romeo, and VOTED 4 IN FAVOR WITH 1 OPPOSED (McCusker), to direct the Human Resources Director to look at the issues the Board talked about tonight and come up with a recommended policy for the Board; freeze the compensation of the Parks and Recreation Director at her current rate; and bring this issue back to Fall Town Meeting to see if the voters will support the salary recommendation of the Town Manager. Jefferies asked that the last item be removed as it is already on the list of potential warrant articles. Loiselle removed the last item.

### **Selectmen to Discuss Early Retirement Incentive**

Ledoux reminded the Board that September 15<sup>th</sup> was set as the deadline for interested employees to participate in the Early Retirement Incentive option. The positions and alternatives would be reviewed and a plan would be designed. If any of the employees who had signed up for ERI did not like the plan, they had 5 days to opt out. After surveying the employees, commitments were received. Chris Liebke, Human Resources Director, distributed a handout to the Board outlining those commitments, positions and salary impacts. Ledoux reported that Roudenbush would now be picking up the salary for their administrative assistant position and that the Highway Department will not be

filling a position due to the \$600,000 cut done at Annual Town Meeting. Ledoux stated that if the other positions are filled, the Town will save approximately \$40,000 over the next 5 years if everyone who put in a commitment goes on early retirement and retires by December 31, 2002 and that the Town assumes the full 5 years. Ledoux recommended moving forth with the full 5 year plan and have retirement effective December 31, 2002. It was moved by Jefferies, seconded by McCusker, to accept the Town Manager's recommendation to move forth with the full 5 year plan and have retirement effective December 31, 2002 based on the list submitted and having submitted their application by September 15, 2002. Liz Adams, Chairman of the Finance Committee, stated that part of the Finance Committee's recommendation was that the positions would not be refilled. Adams pointed out discrepancies in the calculations and believed there was a net cost of \$9,000 in the first year. Adams was also concerned with taking on undefined future costs of health insurance for retirees and new hires. Adams stated that the Finance Committee's recommendation still stands that if the Board intends to rehire they do not support the ERI. Jefferies pointed out that the Town is still under the hiring freeze policy and that each position will be reviewed on a case by case basis. McCusker noted that the Town's local aid may be impacted in the next fiscal year and the Town may not be able to hire for fiscal reasons without an override. Jefferies stated that the Town has found a revenue neutral way to reward Town employees for years of service. Romeo was concerned with the retirement of police officers and the rehiring under the COPS federal grants. Ledoux stated that there is a provision within the grant stating that a community can provide a statement that due to extraordinary budget constraints the positions cannot be filled. The federal government could then waive the penalty for not filling the positions. Romeo recommended that the Board get an opinion from Town Counsel regarding the penalty of not filling police positions. Robert Welch, Police Chief, stated that he provided COPS information to the Finance Committee and the Human Resources Department. Welch stated that whatever policy is in place in the application process has to be followed. The application stated that the officers would be permanently retained. VOTE on the motion: ALL in FAVOR. The motion passed unanimously.

### **Selectmen to Discuss Special Town Meeting Warrant and Begin to Set the Warrant**

Healy-Coffin read the list of the criteria that the Board had set for inclusion in a Special Town Meeting Warrant. Ledoux read the list of potential articles for the Board's consideration. McCusker asked if the appropriation of \$50,000 to the Conservation Expendable Trust could come out of CPA funds. Ledoux to check with the CPA Committee. The Committee to make a presentation to the Board in October. Ledoux stated that the article regarding acceptance of a portion of Vineyard Road as a gift to the Permanent School Building Committee was suggested by Jefferies because a portion of Vineyard Road where the Rita Miller School is located is still a private way (except for 50 ft.) A water line is being installed in the right-of-way for residents to address their concerns regarding the impact of the school's septic system on wells. The Town is running into complications regarding the restoration of the road to Town standards. Jefferies suggested that a portion of the road be gifted to the Permanent School Building Committee and be restored to Town standards so that the road could be accepted at a future town meeting. Ledoux suggested inviting the League of Women Voters to the next meeting to explain the rationale for the Town Bylaw Amendments. Healy-Coffin asked Ledoux to invite representatives from the Nashoba Valley Regional Technical District and the Conservation Commission to the October 8<sup>th</sup> meeting to discuss the

article requested by Nashoba to amend the Wetlands Bylaw. Healy-Coffin announced the zoning petition to extend the commercial highway district portion of Carlisle Road. Ledoux stated that the neighbors would be notified under the Planning Board public hearing process. It was moved by Loiselle, seconded by Jefferies, and VOTED UNANIMOUSLY, to send the zoning articles (zoning ordinance recodification and petition to extend commercial highway portion of Carlisle Road) to the Planning Board for review and public hearing.

### **Selectmen to Ratify Contract with Town Manager**

Healy-Coffin stated that after several Executive Sessions and negotiations, Ledoux would like to keep the 3-year contract as is with the 2½% COLA and the 2½% performance review. Healy-Coffin stated that the Human Resources Director did a market basket of surrounding communities regarding the average salary for Town Managers. Currently Ledoux's salary is \$101,430. The new contract would start at \$104,572. The only changes to the contract would be to increase the car allowance by \$50 per month and increase the disability insurance to \$1,200 per year. Ledoux has the option of increasing his salary 5% over three years. Ledoux told the Board that he realized that the town will be going through financial difficulties in the future and reserved the right to turn down or defer any compensation increases if the Town has to lay off workers whether or not it is in the contract. Romeo felt that Ledoux's statement showed commitment to Westford. It was moved by McCusker, seconded by Romeo, and VOTED UNANIMOUSLY, to ratify the Town Manager's contract. Healy-Coffin noted that it is a delight working with Ledoux, a man of integrity.

### **Appointments**

**Westford Cultural Council** – It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to appoint Kristin Vegeto to the Westford Cultural Council.

**Permanent School Building Committee** – It was moved by Jefferies, seconded by McCusker, and VOTED UNANIMOUSLY, to appoint Patricia Arnold to the Permanent School Building Committee.

### **Licenses and Permits**

**Public Amusement – Nashoba Hill Corporation, d/b/a Nashoba Valley Ski Area – Witches Woods – Oct. 3-6, 10-13, 17-20, 24-27, 31 from 5:00 p.m. – 12:00 p.m., Sunday Entertainment License – Nashoba Valley Ski Area - Witches Woods – Oct. 6, 13, 20, 27 5:00 p.m. – 12:00 p.m. –** Attorney Douglas Deschenes was present for the applicant. Deschenes outlined the amusement activities. The event will run for 17 days (4 Sundays). It was moved by Romeo, seconded by McCusker, and VOTED UNANIMOUSLY, to approve.

**Banner Request – BSA Troop 159** – Banner request to conflict with banner advertising the state election. Healy-Coffin suggested that Troop 159 contact the State regarding the placement of a banner on Route 110. No action taken.

**Banner Request – Pop Warner Football Fundraiser** – Ledoux stated that he is waiting for information from the applicant regarding the time of the fundraiser. No action taken. Continued to October 8, 2002.

**Change of Manager – 99 Restaurant** – Romeo noted that the CORI report for Julieanne Wells listed an incorrect birth date. It was moved by Romeo, seconded by Loiselle, and VOTED UNANIMOUSLY, to approve the change of manager pending a clean CORI report coming back.

### **Franklin Property**

No report at this time.

### **Minutes**

It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the minutes of August 13, 2002.

It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the Executive Session minutes of August 13, 2002 (7:00 p.m.) but NOT release to the public.

It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to approve the Executive Session minutes of August 13, 2002 (10:40 p.m.) but NOT release to the public.

### **Board Reports/Updates**

**Highway Building Committee** – Jefferies reported that the Highway Building Committee will be hiring a plan review company to review all documentation submitted by the architect engineer relative to the construction of the new highway garage.

**Permanent School Building Committee** – Ledoux reported that the contractor putting in the waterline began work without a permit. A meeting was held with Ledoux, the Permanent School Building Committee, the contractor, the Water Department, the Highway Department and the architect engineer for the project to discuss the methodology and whether the contractor was in conformance with Town standards. The parties are working on a timeline so that the Highway Department can issue a street opening permit.

**Affordable Housing Committee** – Romeo reported that the Affordable Housing Committee would be meeting on Wednesday, September 25, 2002 at 7:30 a.m. Romeo stated that the committee is looking for volunteers. Romeo reported that the Community Preservation Committee is entertaining different projects for consideration. Accordingly, there is a need to move soil from one location in the Stony Brook project to the Housing Authority site. There is also a need for additional clean fill. An RFP went out for a 15-unit mixed income development for the Housing Authority site.

**Meeting with Firefighters** – Healy-Coffin reported that she would be meeting with the Firefighters on Wednesday, September 25, 2002 to discuss the proposed 24-hour shift. Healy-Coffin to keep the Board informed.

### **Old Business/New Business**

**Policy on Fireworks** – Ledoux outlined the draft policy as follows: *It is the policy of the Board of Selectmen that fireworks displays with the Town of Westford shall only occur on Friday and Saturday evenings with the exception of New Year's Eve and the Fourth of July unless a petition is made to the Board of Selectmen.* McCusker suggested

amending the policy to include that residents must apply for a license to be approved by the Board. A fee of \$25.00 would be charged.

**Health Insurance Percentage** – Ledoux reported that the Town has reached a settlement with all the Town unions and retirees regarding the health insurance percentage. The Town has been working with a health insurance consultant and put out an RFP for health insurance. After going through the process, it was determined that Blue Cross/Blue Shield had an excellent rate if consolidated with all employees and would also save the Town money. After several meetings with all the union representatives an agreement was reached that the Town would pay 60% in the first year, 60% in the second year and 65% in the third year for HMO Blue only. The unions unanimously ratified the offer. The Town is currently going through open enrollment. The new plan would be effective November 1<sup>st</sup>. Ledoux stated that the rates have dropped in this fiscal year and that retirees benefit the most. Part of the agreement with the unions is to do a mutual press release.

### **Hiring Freeze Issues**

**Water Department** – Ledoux referenced a memo from the Water Department dated September 17, 2002 regarding the request to fill the unpaid portion of Kristin Divris' maternity leave. McCusker asked Ledoux to get clarification from the Water Department regarding whether the temporary person is a contractor or an employee. It was moved by Romeo, seconded by Jefferies, and VOTED UNANIMOUSLY, to fill the position.

**Town Clerk Request** – Chris Liebke, Human Resources Director, reported that the person who was out on leave of absence will not be returning. The part-time position is 25 hours per week. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to fill the position. Loiselle stated that he would like a formal way of reviewing openings due to early retirement. Chris Liebke, Human Resources Director, stated that there is currently a position requisition form identifying the position, salary and position justification which is signed off by 4 people. Loiselle asked that alternatives to filling that position also be provided. Jefferies asked that information regarding when the position was created also be included.

**Park & Recreation Highway Request** – Ledoux reported that there are 3 individuals out on Workman's Comp and 1 individual that has been terminated from the Highway Department. Ledoux stated that the Highway Department is in need of additional workers. Pat Savage, Parks & Recreation, stated that she ran some figures and found that there will be a savings in the Parks & Recreation salary line item even with the hiring of 2 individuals. McCusker was very concerned with the 3 Workman's Comp cases and recommended discussing safety issues at a future meeting. Loiselle felt that there should be a review of how aggressive the Town is at getting individuals back to work. Chris Liebke, Human Resources Director, reported that the Town has instituted a policy with a facility where all Workman's Comp cases see the same doctor and the cases are followed closely by a nurse practitioner. The Town is currently trying to implement safety procedures. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to fill the positions.

**Sealer of Weights & Measures** – Ledoux reported that the 2 individuals that had been in the position have quit. After looking at the options, Ledoux recommended having the State Division of Standards conduct the inspections for a fee of \$3,000/yearly. The Town would have to bill for the inspection fees with the fees coming

back to the Town. McCusker asked Ledoux to look at the fees to see if this could be revenue neutral. It was moved by Jefferies, seconded by Romeo, and VOTED UNANIMOUSLY, to enter into an agreement with the Division of Standards to provide this service to the Town contingent upon it being revenue neutral.

**International City Manager's Association Annual Conference** – Ledoux announced that he would be attending the Annual City Manager's Conference in Philadelphia from Saturday, September 28<sup>th</sup> to Wednesday, October 2<sup>nd</sup>.

### **Correspondence**

Healy-Coffin read the list of correspondence.

### **Open Items**

9/24-1 Board to take action on 10/8 re: banner request - Pop Warner Football Fundraiser.

9/24-2 Ledoux to ask Police Chief for a CORI report on Julieanne Wells re: change of manager – 99 Restaurant.

9/24-3 Ledoux to ask CPA committee if funds could be used for Conservation Commission Expendable Trust.

9/24-4 Ledoux to invite the League of Women Voters to the next meeting to explain rationale for Town Bylaw Amendments for STM.

9/24-5 Ledoux to invite members of the Conservation Commission and Nashoba Regional Tech District to October 8<sup>th</sup> meeting to discuss proposed amendment to the Wetlands Bylaw.

9/24-6 Ledoux to clarify with Water Department whether temporary part-time person is contractor or employee.

9/24-7 Ledoux to determine if Division of Standards service can be revenue neutral re: Sealer of Weights & Measures.

9/24-8 Ledoux to get Town Counsel opinion re: penalty for not refilling COPS positions.

### **Adjournment**

It was moved by Loiselle, seconded by Romeo, and VOTED UNANIMOUSLY, to adjourn the meeting.

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Steve Ledoux, Town Manager

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Dini Healy-Coffin, Chairman